

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Matt Jenkins,)	CASE NO.: 3:11 CV 1191
Plaintiff,)	
)	JUDGE: David A. Katz
vs.)	
)	Magistrate Judge: James R. Knepp, II
United Collection Bureau, Inc., et al,)	
)	
Defendants.)	
)	

REQUEST FOR ENTRY OF DEFAULT

Now comes Citibank, N.A., successor in interest to Citibank (South Dakota) N.A., (hereinafter referred to as Defendant), and hereby request an entry of default to be entered against Plaintiff Matt Jenkins, upon the Defendant's First Amended Counterclaim (Doc. No. 20) filed August 8, 2011, pursuant to Fed.R.Civ.P. 55(a). In support hereof, Defendant states:

1. Defendant filed its answer & counterclaim on June 27, 2011 (doc. No. 5);
2. Plaintiff filed his motions for extension of time (doc. No. 10) and motion to dismiss the counterclaim (doc. Nos. 11 & 12) on July 18, 2011.
3. Defendant filed its motion to amend the counterclaim on July 20 (doc. No. 14), which the Court granted July 25, 2011 (doc. No. 17).
4. On August 8, 2011, Defendant filed its first amended answer & counterclaim (doc. No. 20).
5. Defendant filed its opposition to Plaintiff's motion to dismiss (doc. Nos. 11 & 12) the doc. 5 counterclaim August 10, 2011 (doc. No. 21).
6. To date, Plaintiff has not filed his answer to the amended counterclaim.

7. As provided in Fed.R.Civ.P. 15(a), “any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.”
8. The time for responding to the initial pleading ran through July 21, 2011, pursuant to Fed.R.Civ.P. 12(a)(1)(B) and 6(d), and as extended by the Court, August 1, 2011. Calendar order, 7/25/11.
9. The first amended answer & counterclaim was served on August 8, and therefore, Plaintiff’s answer to the first amended answer & counterclaim was due to be filed on or before August 25, 2011.
10. Because Plaintiff has failed to plead or otherwise defend in this action, the Clerk of this Court should enter a default against him.

WHEREFORE, Defendant Citibank, N.A., successor in interest to Citibank (South Dakota) N.A requests that the Clerk enter the default of Plaintiff Matt Jenkins.

Respectfully Submitted:

/s/ Michael D. Slodov
MICHAEL D. SLODOV, SCR#0051678
JAVITCH, BLOCK & RATHBONE, LLC
1100 Superior Ave., 19th Floor
Cleveland, Ohio 44114
Ph: (216) 623-0000 ex. 3057
Fax: (216) 685-3038
E-mail: msslodov@jbandr.com
Attorneys for Defendant
Citibank (South Dakota), N.A.

Proof of Service

I hereby certify that on September 2, 2011 a copy of the foregoing was filed electronically in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to the parties by operation of the court's electronic filing system. Parties may access this filing through the court's system.

/s/ Michael D. Slodov

Michael D. Slodov, SCR# 0051678